IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2170 OF 2006
IN
CIVIL APPLICATION NO. 1262 OF 2006
ALONGWITH
CIVIL APPLICATION NO. 1263 OF 2006
IN
WRIT PETITION NO. 6599 OF 2004

Janardan Sakharam Phulare. ...Petitioner
V/s.
State of Maharashtra & Ors. ...Respondents

Mr.Rajkumar i/b. M/s.L.C. Tolat & Co. for
Applicant/Original Respondent Nos.3 and 4.
Mr.Vilas Jadhav for Petitioner in W.P.No.6599/2004.
Mr.V.P. Malvankar, AGP for Respondent nos.1 and 2.

CORAM : DR.S. RADHAKRISHNAN &
V.M. KANADE, JJ.

DATED : AUGUST 31, 2006

P.C. :-

1. Rule. Rule made returnable forthwith.

2. Heard learned Counsel for the petitioner and learned AGP for respondent nos.1 and 2 and learned Counsel for the respondent nos.3 and 4.

3. This is an application taken out by the original respondent nos.3 and 4 for setting aside the Order dated 26th April, 2006 whereby Civil Application No.1262/2006

was dismissed in default.

4. Perused the Civil Application. For the reasons stated therein, sufficient cause has been made out for recall of Order dated 26th April, 2006. There is no case of inaction, negligence or want of bonafide on the part of the applicants. Hence, Civil Application is allowed in terms of prayer clause (a).

5. Place the above Civil Application No.1262 of 2006 on board for final hearing on 28th September, 2006.

(DR.S. RADHAKRISHNAN, J.)

(V.M. KANADE, J.)